

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,) 8:95CR170
Plaintiff,)
)
v.) USM No: 14828-047
)
DARIUS MOSS,) David R. Stickman
Defendant.) Defendant's Attorney
Date of previous judgment: July 21, 1997)

Order Regarding Motions for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motions of the Defendant under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motions,

IT IS ORDERED: the unopposed motion (Filing No. 294) is GRANTED; the stipulation (Filing No. 295) is approved; the Defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) with respect to Count I of 360 months is reduced to 292 months; and the Defendant's pro se motion to reduce his sentence (Filing No. 290) is denied as moot.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level:	<u>42</u>	Amended Offense Level:	<u>38</u>
Criminal History Category:	<u>III</u>	Criminal History Category:	<u>III</u>
Previous Guideline Range:	<u>360</u> to <u>life</u>	Amended Guideline Range:	<u>292</u> to <u>365</u> months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☒ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☐ Other (explain):

III. ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment dated July 21, 1997, shall remain in effect.

IT IS SO ORDERED.

Dated this 20th day of December, 2011

Effective Date: December 20, 2011

s/Laurie Smith Camp
Chief United States District Judge